

Exhibit #7: Portion of CCRB interview of PO Asa
Barnes dated January 30, 2009

TRANSCRIPT OF RECORDED INTERVIEW

Re: Bowman v. City of New York
08-CV-10123 (PAC) (FM)

Interviewing Agency: Civilian Complaint Review Board
Deponent: PO Asa Barnes
Date of Interview: January 30, 2009
CCRB Case no. 200803136

TIME	DESCRIPTION
0:09	Investigator: Testing, testing. OK, today is January 30, 2009, and the time is now 11:25 a.m. I'm Investigator Quigley and I am conducting an official investigation, CCRB Case No. 200803136, on the complaint of Mrs. Mariea Bowman, who alleges that at approximately 2:00 a.m. on March 1, 2008, in the vicinity inside of 1138 East 224th Street, in the Bronx, the following misconduct occurred: abuse of force and discourtesy. This interview is conducted at the CCRB and is being recorded on tape number 200803136, side A.
0:54	Investigator: Officer, please state your name, rank, shield, and command.
0:55	Barnes: PO Barnes, shield 20209, 47th Precinct.
0:58	Investigator: Present and acting as your legal representative?
1:03	Brian Wilson: Brian Wilson, of counsel to Worth, Longworth, and London.
1:10	Investigator: Officer, you are being investigated as a subject in this matter. Do you wish to make any voluntary statements?
1:12	Barnes: No.
1:14	Investigator: This interview is taking place under the provisions of Patrol Guide Procedure 211-14. Officer, have you read and do you understand this procedure?
1:22	Barnes: Yes.

1:23 Investigator: Officer, have you read and do you understand the CCRB policy statement concerning the advisement of a New York City police officer given to you by the CCRB?

1:30 Barnes: Yes.

1:32 Investigator: Counselor, do you waive the formal reading?

1:33 Brian Wilson: Yes.

1:35 Investigator: Officer, have you also read, and do you understand, Patrol Guide procedure 203-08, which states that, absent exceptional circumstances, an officer will be dismissed from the Police Department for intentionally making a false official statement?

1:46 Barnes: Yes.

1:47 Investigator: OK, officer, turning your attention to March 1, 2008, what hours did you work?

1:51 Barnes: Uh, 23:15 by 07:50.

1:55 Investigator: OK, and what was your assignment on that day?

1:56 Barnes: Sector henry aggie john.

2:08 Investigator: OK. And who was your partner?

2:09 Barnes: PO Vasquez.

2:10 Investigator: And you know his first name? Or her?

2:12 Barnes: Kelvy.

2:14 Investigator: And were you assigned to a car?

2:16 Barnes: Yes.

2:18 Investigator: Marked or unmarked?

2:20 Barnes: Marked.

2:21 Investigator: And were you dressed in uniform or plainclothes?

2:26 Barnes: Uniform.

2:28 Investigator: OK. And did you have anything in your memo book about anything that day?

2:31 Barnes: Yes.

2:32 Investigator: Can you read it, as you have it in your memo book, please?

2:35 Barnes: "23:45, 61 to 1138 East 224, 0201, one under by partner."

2:42 Investigator: OK. So, officer, directing your attention to March 1, 2008, just tell me what you remember, if anything.

2:49 Barnes: Um, complainant comes in, that he was unlawfully evicted, comes into the 47, that he had been unlawfully evicted, from his address that he was living at - 1138 East 224 - with documentation proving that he had lived there for numerous months.

3:13 Investigator: OK.

3:15 Barnes: And when we went to the location, the lady arrested refused to open the door, refused to answer the phone, for over an hour. And ESU was called, the door was taken, and she was placed under arrest.

3:41 Investigator: OK. So, this male that came to the station house, do you remember his name by any chance?

3:45 Barnes: No, ma'am.

3:46 Investigator: I think I have it here. Darryl, I think that's what you said his name was, so we'll refer to him as Darryl, he came to the station house with documents proving that he was living at this place? What kind of documents were they?

4:01 Barnes: Bills. ID.

4:07 Investigator: And it had this address on the ID?

4:08 Barnes: Yes, I believe so.

4:11 Investigator: And the bills were for, like, credit cards and stuff like that, with this address and his name on it?

4:15 Barnes: Yes. Numerous months it went back.

4:19 Investigator: OK. So, what kind of allegation was he making, that he was evicted. How was he evicted?

4:26 Barnes: She had changed the locks.

4:27 Investigator: She changed the locks. OK. So, can you tell me under what law this is illegal?

4:32 Barnes: Unlawful eviction. It's administrative code.

4:36 Investigator: OK. And the police are allowed to interfere in these matters?

4:40 Brian Wilson: Not interfering. That's the law. The law is clear. If you sublet an apartment, and somebody decides to change the locks on you, without your consent, then that is an illegal eviction. It's an administrative code violation. The police aren't interfering, they are merely enforcing the law.

4:55 Investigator: They are allowed to enforce this law.

4:59 Brian Wilson: Yes.

5:00 Let me repeat this: you guys are allowed to go and enforce this law. And in which way will you enforce it?

5:02 Brian Wilson: Well, in favor of the person that is being...

5:07 Investigator: He has to answer the question. He is the one that did it.

5:09 Brian Wilson: It's a matter of settled law. It's not really... You're asking a question as if somehow, you know, he is doing something outside the scope of the purview of his job responsibilities.

5:17 Investigator: Well, I would like to know why he was there.

5:23 Investigator: You enforce this law. In what manner did you enforce this law, on this occasion, regarding this case?

5:28 Barnes: She was arrested for unlawful eviction.

5:30 Investigator: Yes, I understand that. I need details. The complainant went to the station house and told you guys about it. Were you at the station house when this happened?

5:39 Brian Wilson: When what happened?

5:40 Investigator: When he came to complain about this issue? When Mr. Darryl came to complain about this issue?

5:47 Barnes: Oh, I couldn't tell you if I was there when he walked in the door.

5:48 Investigator: OK. So, how did you meet with him and went to the house?

5:54 Barnes: We were assigned. It was a station house assignment.

5:57 Investigator: OK, so they called you, they called you over to the job, or they called you to the station house?

6:04 Barnes: We went from the station house. A "61" would be a station house assignment. I mean, we're going back a year, I could not tell you exactly how that occurred.

6:14 Investigator: Do you remember if you met Mr. Darryl at the location or at the station house?

6:17 Barnes: At the station house.

6:19 Investigator: At the station house?

6:19 Barnes: Yes.

6:20 Investigator: Did he drive with you in the car?

6:23 Barnes: I do not recall.

6:25 Investigator: So, upon arriving at the location, who else was there besides you and Mr. Darryl. Who else was there?

6:34 Barnes: My partner, and I believe he had his son with him.

6:40 Investigator: Mr. Darryl had his son with him?

6:40 Barnes: I think so.

6:42 Investigator: Any other officers?

6:43 Barnes: My partner.

6:44 Investigator: Just your partner, at this point.

6:46 Barnes: At this point, yes.

6:48 Investigator: So, when you arrived at the location, what kind of house was it?

6:52 Barnes: Private house.

6:53 Investigator: It was a private house? OK. And did it have like a little entrance hallway, or is it like outside, the door that you were knocking at, that he changed the locks?

7:06 Brian Wilson: I think she changed the locks, is what was...

7:08 Investigator: Yeah, I'm trying to find out if it was a private house and then does it have like a main entrance and then you can continue and there is another door, or did she change the locks to everything? If you remember. I mean, if you don't remember that's OK.

7:22 Barnes: She changed the locks to the door that he had the key to, that the key goes into.

7:26 Investigator: OK. And when you arrived at the location you stated that you were there for an hour, knocking?

7:35 Barnes: An hour what?

7:35 Investigator: How long were you there?

7:38 Barnes: Over an hour.

7:40 Investigator: Over an hour?

7:41 Barnes: Right. Well over an hour.

7:46 Investigator: OK. And when you first arrived, you knocked on the door. Was there any response?

7:55 Barnes: Not at first, I don't believe. At one point, she did tell us that she was not going to open the door.

8:01 Investigator: OK. Some time during the hour that you were knocking? And you stated that there were phone calls too, what did you mean by that?

8:04 Barnes: Uh, he was calling her cell in the house.

8:09 Investigator: OK. And did she answer this, at this point?

8:12 Barnes: I don't recall that.

8:13 Investigator: OK. And eventually ESU had to be called, you stated?

8:17 Barnes: Correct.

8:20 Investigator: OK. Did you call ESU, or somebody else did?

8:21 Barnes: Sergeant would have called ESU.

8:23 Investigator: OK, so a sergeant arrived at that location?

8:25 Barnes: Correct.

8:27 Investigator: Do you remember at what point he arrived at that location?

8:28 Barnes: No.

8:30 Investigator: And do you remember what sergeant arrived at that location?

8:33 Barnes: I think it was Sergeant Sandhu. He would have been the patrol supervisor that night.

8:46 Investigator: OK, so it may have been him?

8:48 Barnes: Correct.

8:50 Investigator: All right, so he would have called ESU. How long did ESU take to arrive at that location?

8:54 Barnes: Don't recall that.

8:55 Investigator: Upon their arrival, what happened?

8:59 Barnes: ESU continued to knock on the door, no answer, ESU took the door, which was boarded up with chairs, desks, everything else put behind it.

9:12 Investigator: Behind the door?

9:12 Barnes: Yes.

9:13 Investigator: Now, how did they open the door? What kind of tools did they use, do you remember?

9:17 Barnes: Their tools that they use to open doors.

9:23 Investigator: OK, and did the door get busted all the way, or did it just open, partly open.

9:24 Barnes: I don't understand.

9:28 Investigator: When the door opened, the whole thing came out, or did it just, one side opened? If you remember, you don't have to answer if you don't remember.

9:39 Barnes: If you're asking me if they made a hole through the door and walked through the door, no. The door, the lock popped off and it swung open.

9:45 Investigator: It swung open. All right. Now, who entered the house?

9:50 Barnes: ESU first. And then me and my partner. Sergeant Sandhu.

10:02 Investigator: So, you guys followed ESU? Did ESU stay there or did they leave?

10:12 Barnes: They don't just open the door and turn around and leave.

10:15 Investigator: Well, OK. ESU entered the house, they went through the door, you followed with your partner and the sergeant. Did ESU stay in the house while you conducted your arrest, or did they leave?

10:26 Barnes: ESU was in the house.

10:29 Investigator: They stayed there the whole time that you were there, after you arrested her and took her out?

10:31 Barnes: That's not a long period.

10:38 Investigator: OK, so you don't... ESU was in the house, I guess. So, tell me, when you entered the house, what did you see?

10:40 Barnes: The female that was arrested.

10:49 Investigator: She was there? Was she in the living room standing there, or was she coming down the stairs?

10:55 Barnes: I don't recall.

10:57 Investigator: You don't recall? OK, what was she doing when you first saw her?

11:00 Barnes: I don't recall.

11:01 Investigator: You don't recall what she was doing? Who else was in the house besides the female?

11:03 Barnes: I believe she had a child in the house, but... a child... I couldn't recall exactly.

11:13 Investigator: And do you remember her demeanor, what was it like?

11:18 Barnes: She was aggravated. Irritated. Mad.

11:23 Investigator: How was she demonstrating this aggravation, this angriness.

11:25 Barnes: Screaming and cursing.

11:28 Investigator: Do you remember what she was screaming and cursing?

11:30 Barnes: No, I don't recall.

11:32 Investigator: And what about the children that were there with her, or the child, was this child doing anything?

11:35 Barnes: I don't recall.

11:38 Investigator: OK. So, when you saw that she was screaming and cursing, what was the next step? What happened?

11:45 Barnes: She was placed under arrest.

11:48 Investigator: By whom?

11:53 Barnes: Who was the arresting officer?

11:54 Investigator: Yeah, who grabbed her, who put the handcuffs on her?

11:56 Barnes: I don't recall.

11:57 Investigator: You don't recall who that is?

11:58 Barnes: *(inaudible)*

12:01 Investigator: OK. And do you recall what the other officers were doing while she was being arrested?

12:06 Barnes: No.

12:11 Investigator: OK. After she was arrested, who escorted her out of the house?

12:15 Barnes: I don't recall.

12:24 Investigator: And what happened with Mr. Darryl, the original complainant? Did he come in the house with you guys, or did he stay outside?

12:28 Barnes: He didn't come in the house at first.

12:35 Investigator: Not at first? OK. Did he come in the house while she was being arrested or after she was taken away?

12:38 Barnes: After she was taken out. (*inaudible*) I don't recall.

12:44 Investigator: And then what happened after that? Was the house secured? Anything else happen after she was taken away?

12:53 Barnes: Don't recall. She was transported to the 47th Precinct and processed.

12:58 Investigator: Do you know who transported her?

13:01 Barnes: I don't recall that.

13:03 Investigator: Do you remember, were you the arresting officer?

13:03 Barnes: No.

13:05 Investigator: You weren't her arresting officer?

13:06 Barnes: No.

13:07 Investigator: OK. Do you know who was?

13:09 Barnes: My partner, I believe.

13:11 Investigator: So, he would have done all the paperwork?

13:12 Barnes: Correct.

13:15 Investigator: I'm going to discuss the allegations now. OK, on this day did you... This is the first. She stated that you came to her house many times that day. When was the first time that you came to her house, or you came earlier during the day.

13:44 Barnes: I turned around at 23:35, we got there at 23:45.

13:52 Investigator: So, you don't recall ever being at her house earlier? Just answer the question, officer.

13:55 Barnes: No.

13:57 Investigator: OK, when you entered the house, did you at any point grab the female and slam her against a TV?

14:06 Barnes: No.

14:08 Investigator: Did you slam her against a wall?

14:08 Barnes: No.

14:12 Investigator: Did you see any officer slamming her against the TV?

14:13 Barnes: No.

14:17 Investigator: Slamming her against the wall?

14:18 Barnes: No.

14:20 Investigator: OK. Did you see any injuries on the female, on this woman?

14:21 Barnes: No.

14:21 Investigator: Do remember her telling you, "Oh my God, you are going to kill me, I am going to pee on myself," while this was going on?

14:35 Barnes: No.

14:36 Investigator: Do you remember her actually urinating on herself, not just saying it?

14:40 Barnes: No.

14:52 Investigator: Do you remember any kind of interaction your sergeant had with her, did he talk to her or anything like that?

14:55 Barnes: No.

15:00 Investigator: All right, that's pretty much it. Do you have any questions?

15:03 Brian Wilson: Nothing further.

15:03 Investigator: All right, officer, have you told me everything you remember about the incident?

15:05 Barnes: Yes.

15:07 Investigator: All right. This interview is concluded. The time is now 11:40 a.m.


*** END OF TRANSCRIPT ***

CERTIFICATION


STATE OF NEW YORK)
) ss:
COUNTY OF ORANGE)

I, Stephen S. Cobb, swear under penalty of perjury that the above transcribed statement (CCRB Interview of PO Asa Barnes) is a true and accurate transcription of the oral statements contained in the above-referenced recorded statement.

Date: Sept. 22, 2009

Signed: 
STEPHEN S. COBB

Sworn to this 22 day of September, 2009.


NOTARY PUBLIC

VERNA W. COBB
Notary Public, State of New York
No. 4698836
Qualified in Orange County
Commission Expires August 31, 2013